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IN THE

Supreme Court of the United States

October Term, 1957
No. 724

LOS ANGELES COUNTY DISTRICT COUNCIL OF CARPENTERS, *et al.*,

Petitioners,

vs.

JOHNY E. MCCARROLL, WILLIE J. MCCARROLL and THOMAS L. HALL, a copartnership doing business as McCarroll & Hall Construction Co., also known as McCarroll & Hali,

Respondents.

On Petition for a Writ of Certiorari to the Supreme Court of the State of California.

MEMORANDUM FOR RESPONDENTS IN OPPOSITION.

HILL, FARRER & BURRILL,
WILLIAM M. FARRER, and
RAY L. JOHNSON, JR.,
411 West Fifth Street,
Los Angeles 13, California,
Attorneys for Respondents.

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MEMORANDUM FOR RESPONDENTS IN OPPOSITION.

Respondents pray that the Petition for a Writ of Certiorari in the above entitled cause be denied.

Jurisdiction.

Petitioners seek to review the Order of the Superior Court of Los Angeles County of the State of California, granting a preliminary injunction, which order was affirmed by the Supreme Court of the State of California.

A judgment of a State Appellate Court which affirms a preliminary or temporary injunction is not a final judgment or decree within the meaning of 28 U. S. C. Section 1257, under which the United States Supreme Court may review a judgment or decree of a state court only if it is final. A judgment or decree of a state court which affirms a preliminary or temporary injunction of the trial court cannot be reviewed by the Supreme Court of the United States.

Montgomery Building & Construction Trades Council v. Ledbetter Erection Company, 344 U. S. 178, 97 L. Ed. 204.

Conclusion.

For the foregoing reason, the Petition for Writ of Certiorari should be denied.

Respectfully submitted,

HILL, FARRER & BURRILL,
WILLIAM M. FARRER, and
RAY L. JOHNSON, JR.,
Attorneys for Respondents.